

PATENT

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Applicants: Kenneth M. Lenkiewicz et al.

For: HAND-HELD DEEP CLEANER

Serial No.: 10/064,752

Examiner: Theresa T. Snider

Filed: 08/13/02

Group Art Unit: 1744

Atty. Docket: 71189-1435

Confirmation No: 8460

| CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a)) | |
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| I hereby certify that this correspondence is, on the date shown below, being: | |
| <input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450. | <input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office, to <u>T. Mills</u> at (703) 743-8838. |
| Date: <u>May 18, 2005</u> | Signature: <u>Christine M. Judge</u> (type or print name of person certifying) |

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

CLARIFICATION REGARDING THE CORRECTION OF INVENTORSHIP UNDER 37**C.F.R. § 1.47(f)(1)**

This paper is responsive to the telephone call from Ms. Mills on May 17 and May 18, 2005 regarding the lack of a signed oath of declaration in the above identified matter. Ms. Mills called the undersigned attorney on May 17, 2005 and advised him that there was no oath or declaration in the above identified application and requested him to FAX to her an oath or declaration. In response her request, a declaration that had previously been filed in the application in a timely response to a Notice of Missing Parts was sent by Facsimile to Ms. Milles. She then called back and informed the undersigned attorney that the application was filed listing 9 inventors and the oath that was filed had only 8 inventors. Stefan G. Rider was listed on the Application Data Sheet when the application was filed. However, no declaration or oath was filed with the application. Applicants received a Notice of Missing Parts, informing Applicants that no oath or declaration was filed with the application.

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Applicants responded to the Notice of Missing Parts with a declaration signed by 8 of the 9 inventors listed on the Application Data Sheet, omitting Mr. Rider from the inventors. No objection to the signed declaration was raised by the Patent Examiner or the Application Branch.

It is believed that the issue raised by Ms. Mills is controlled by 37 C.F.R. § 1.48 (f)(1) which states in pertinent part as follows:

37 C.F.R. § 1.48(f)(1) Correction of the inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(f)(1) Nonprovisional application-filing executed oath/declaration corrects inventorship. If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship.

It is believed that 37 C.F.R. § 1.48 (f)(1) controls this situation and that the incorrect listing of Mr. Rider as an inventor in the Application Data Sheet has been corrected with the filing of the signed oath on September 20, 2002 by the 8 other inventors listed on the Application Data Sheet. Therefore, Applicants' believe that there is no missing oath in the application and the application is in condition for payment of the final fee.

In the event that Ms. Mills believes that there is still an issue as to the correction of inventorship or the absence of an oath, the courtesy of a telephone call to the undersigned attorney by Ms. Mills or her supervisor is respectfully requested.

Respectfully submitted,

Kenneth M. Lenkiewicz et al.

Dated: 5.18.05

By: 

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